

**Stuart Reiser, Esq.**  
**Attorney ID No. 1505-1980**  
**SHAPIRO, CROLAND, REISER**  
**APFEL, & DI IORIO LLP**  
Continental Plaza II  
411 Hackensack Avenue  
Hackensack, NJ 07601  
(201) 488-3900  
(201) 488-9481 (Fax)  
[sreiser@shapiro-croland.com](mailto:sreiser@shapiro-croland.com)  
Attorneys for Plaintiff,  
Aspen Stratford Apartments LP

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

ASPEN STRATFORD APARTMENTS  
COMPANY, LP,

Plaintiff,

v.

CITY OF NEWARK, NEWARK HOUSING:  
AUTHORITY, NEWARK DEPARTMENT :  
OF NEIGHBORHOOD and :  
RECREATIONAL SERVICES, RAS J. :  
BARAKA, individually, and in his capacity :  
as Mayor of the City of Newark, BAYE :  
ADOFO-WILSON, individually, and :  
in his capacity as Deputy Mayor of :  
Economic & Housing Development for the :  
City of Newark, KEITH D. KINARD, :  
individually, and in his capacity as :  
Executive Director of the Newark Housing :  
Authority, CLIFFORD GODFREY, :  
individually, and in his capacity as Chief :  
Operations Officer of the Newark Housing :  
Authority, PATRICK COUNCIL, :  
Individually, and in his capacity as :  
Director of Neighborhood and :  
Recreational Services, JOHN DOE 1-10, :  
JANE DOE 1-10 and ABC CORP.1-10, :  
fictitiously named individuals and entities, :

Defendants.

Civil Case No.: 15-8195 (JLL)(JAD)

**Civil Action**

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINTS**

**THIS MATTER** having come before the Court upon the application Plaintiff Aspen Stratford Apartments Company, LP (“Aspen”), pursuant to Fed.R.Civ.P 65 and L.Civ.R. 65.1, for the issuance of an Order to Show Cause with temporary restraints, and setting a preliminary injunction hearing, and the Court having reviewed the Verified Complaint filed by Plaintiff against Defendants City of Newark, Newark Housing Authority (“NHA”), Newark Department of Neighborhood and Recreational Services (“NRS”), and Mayor Ras J. Baraka et. als., the accompanying Certification of Wayne Fox, and exhibits attached thereto, and the accompanying Memorandum of Law; and the Court having determined that this matter may be commenced by order to show cause pursuant to Fed.R.Civ.P. 65(a), and for good cause shown;

IT IS on this 24<sup>th</sup> day of November, 2015,

**ORDERED** that Defendants appear and show cause on the 8<sup>th</sup> day of December, 2015, before the United States District Court for the District of New Jersey, at the Federal Courthouse, Martin Luther King Jr. Federal Building, 50 Walnut Street, Newark, New Jersey 07101 at 1 pm., or as soon thereafter as counsel may be heard why an order should not be entered:

1. Preliminarily restraining and enjoining Defendants City of Newark, NHA and NRS, and their officials, agents and employees, from taking any action in furtherance of the notice of condemnation issued by said Defendants with respect to the real property located at 2-8 Stratford Place and 18-22 Stratford Place, Newark, New Jersey.
2. Preliminarily restraining and enjoining Defendants City of Newark, NHA and NRS, and their officials, agents and employees from taking any action in furtherance of the plan implemented by said Defendants to relocate the tenants of 2-8 Stratford Place and 18-22 Stratford Place, Newark, New Jersey;

3. Preliminarily restraining and enjoining the Defendants City of Newark, NHA and NRS, and their officials, agents and employees, from taking any action to prevent the continued payment of monies due to Plaintiff pursuant to the Housing Assistance Payments Contract between Plaintiff and the United States Department of Housing and Urban Development (“HUD”);

4. For such other and further relief as may be just and proper; and it is further

**ORDERED**, that pending the return date of this Order to Show Cause; Defendants City of Newark, NHA, NRS and their officials, agents and employees, and all those acting in concert with defendants be, and they hereby are temporarily restrained and enjoined:

1. From taking any action in furtherance of the notices of condemnation issued by said defendants with respect to the real property located at 2-18 Stratford Place and 18-22 Stratford Place, Newark, New Jersey.

2. From taking any action in furtherance of the plan implemented by said Defendants to relocate the tenants of 2-8 Stratford Place and 18-22 Stratford Place, Newark, New Jersey, including but not limited to processing any applications for relocation or soliciting such applications from the tenants of the buildings;

3. From taking any action to prevent the continued payment of monies due from HUD to Plaintiff pursuant to the Housing Assistance Payments Contract between Plaintiff and HUD;

**IT IS FURTHER ORDERED** that a true copy of this Order to Show Cause, Verified Complaint, Affidavit of Wayne Fox, and Memorandum of Law, submitted in support of this application shall be served upon defendants within 1 days~~x~~ from the date of Plaintiffs’ counsel’s receipt of this Order in accordance with Fed.R.Civ.P. 4 and;

**IT IS FURTHER ORDERED** that Plaintiff must file with the Court its proof of service of the Verified Complaint, Affidavit of Wayne Fox, and Memorandum of Law together with this Order to Show Cause on defendants no later than 10 days before the return date of this Order to Show Cause, and;

**IT IS FURTHER ORDERED** that opposition papers, if any, be filed and served, so as to be received no later than 7 days prior to the return date of this Order to Show Cause, and;

*Opp'n due  
by 12/1*

**IT IS FURTHER ORDERED** that reply papers, if any, be filed and served, so as to be received no later than 4 days prior to the return date of this Order to Show Cause, and;

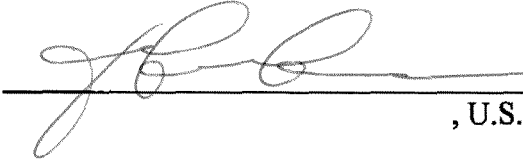
*Reply due  
by 12/4*

**IT IS FURTHER ORDERED** that if any defendant does not file and serve opposition to this Order to Show Cause, the application may be decided on the papers on the return date and relief may be granted by default, provided that the plaintiffs file proof of service and a proposed form of order at least 4 days prior to the return date, and;

*→ by 12/4*

**IT IS FURTHER ORDERED** that temporary restraints set forth herein may be dissolved by the Court upon application by Defendants, giving not less than two days' notice to plaintiff and;

**IT IS FURTHER ORDERED** that that a bond or undertaking in the amount of \$50,000 to be posted with the Clerk of the Court by Aspen on or before 11/25, 2015, to provide security for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined.

  
\_\_\_\_\_, U.S.D.J.